
OLR Bill Analysis

HB 5293

AN ACT CONCERNING STOLEN VALOR.

SUMMARY:

This bill limits the crime of falsely (1) representing oneself as having a military medal or (2) wearing a military uniform, to a person who does so to fraudulently obtain money, property, or other tangible benefit. As under current law, the person must (1) falsely represent himself or herself, orally or in writing, as a recipient of any Congressional decoration or medal, armed forces service medal or badge, or the ribbon, button, rosette, or “colorable imitation” of any such decoration, medal, or badge or (2) wear, without authorization, the uniform of any (a) member of the armed forces or reserves, (b) military or naval school or college, (c) veterans’ or soldiers’ home, or (d) police department. The bill retains the current penalty of a fine between \$500 and \$1,000, up to six months imprisonment, or both.

By law, the unauthorized uniform provision does not apply to (1) an officer or enlisted person of the armed forces or any reserve component, (2) a member of a school or college military or naval organization, (3) veterans’ or soldiers’ home residents, or (4) police officers.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

U.S. v. Alvarez

In *U.S. v. Alvarez*, the U.S. Supreme Court ruled that the federal military medal misrepresentation statute was unconstitutional because it violated a person’s First Amendment right to free speech (132 S. Ct. 2537 (2012)). The plurality opinion stated there is no general First Amendment exception for false statements, but acknowledged there are many laws punishing or criminalizing false statements that cause

definite and identifiable harm (e.g., fraud).

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable Change of Reference

Yea 14 Nay 0 (03/11/2014)

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/02/2014)